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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,243	01/27/2004	Mohammad Ali Saffari	112300-1794	8934
29159	7590	06/18/2009		
K&L Gates LLP P.O. Box 1135 CHICAGO, IL 60690			EXAMINER KIM, ANDREW	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 06/18/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary

Application No.

10/767,243

Applicant(s)

SAFFARI ET AL.

Examiner

ANDREW KIM

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39, 42-52 and 55-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39, 42-52 and 55-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 11-14, 16-27, 29, 32, 34, 38, 39, 42-45, 47, 49-52, and 55-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al (US 6,168,522).

Claims 1, 22, 34, 52. Walker discloses a gaming device said gaming device comprising:

a display device (fig. 2);

an input device (fig. 2, items 38, 40);

the input device including a cashout selector (fig. 2, item 36);

a processor; and a memory device storing a plurality of instructions, which when executed by the processor, cause the processor to operate with the display device and the input device to:

(i) if the player selects the cashout selector, display a cashout menu ,the cashout menu simultaneously displaying and enabling a player to select at least two different cashout options (fig. 9, items 340, 350 and 360) including:

(a) a first cashout option including a payout to the player of a first amount of a certain credit total associated with a wagering game displayed by the display device in a first

payout form (fig. 9, items 340, 350 and 360) (The certain credit total has been interpreted as the winnings from a game), and

(b) a second cashout option including a transfer of a second amount of the certain credit total to a casino account, wherein the first payout form is different than the casino account and the first and second amounts are both deducted from the certain credit total (fig. 9, items 340, 350 and 360);

(ii) if the player selects the first cashout option, provide the player the first amount in the first payout form (fig. 9, items 340, 350 and 360); and

(iii) if the player selects the second cashout option, transfer the second amount to the casino account (fig. 9, items 340, 350 and 360).

The certain credit total has been interpreted as the winnings from a game. The first cashout option is analogous to dispensing some of the amount back to the gaming machine and the second cashout option is analogous to dispense some of the amount to an account (5:14).

Claims 2, 23. Walker discloses an invention wherein the wagering game is selected from the group consisting of: slot, poker, keno, blackjack, craps and bingo (3:37).

Claims 3, 42, 53. Walker discloses an invention wherein the first form is selected from the group consisting of: coins, tokens, a ticket, a credit card crediting, a debit card crediting, a promotional ticket, a jackpot ticket and any combination thereof (5:1-15).

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Claims 4, 24. Walker discloses an invention wherein the casino account is accessible via a player tracking card (col. 6).

Claims 5, 25. Walker discloses an invention wherein the casino account is communicated through a player tracking card network (col. 6).

Claims 6, 26. Walker discloses an invention wherein the casino account is accessible with a device different than a player tracking card (col. 6).

Claims 7, 27. Walker discloses an invention wherein the casino account is communicated through a network different than a player tracking card network (col. 5 and 6).

Claims 11, 32. Walker discloses an invention wherein the casino account is accessible for transferring funds between multiple machines (fig. 9, items 340, 350 and 360).

Claims 12, 29. Walker discloses an invention wherein said the cashout menu includes a selector that enables the player to select the first amount (fig. 9, items 340, 350 and 360).

Claims 13, 29. Walker discloses an invention wherein the cashout menu includes a selector that enables the player to select the second amount (fig. 9, items 340, 350 and 360).

Claim 14. Walker discloses an invention wherein the cashout menu includes input devices configured so that the first and second amounts do not necessarily add to a total cash out (fig. 9).

Claim 16. Walker discloses an invention wherein the cash out menu includes a display of an addition of the first amount of the player's money and the second amount of the player's money (fig. 9).

Claim 17. Walker discloses an invention wherein the cash out menu includes a cancel selector that cancels the request (fig. 9).

Claim 18. Walker discloses an invention wherein the cash out menu includes a selector that returns the player to the wagering game (fig. 9).

Claim 19. Walker discloses an invention wherein the cash out menu includes a selector that enables the player to transfer funds between multiple machines (fig. 9, items 340, 350 and 360).

Claims 20, 21. Walker discloses an invention wherein the game is provided via a data network to a computer storage device (fig. 1, item 27).

Claim 38. Walker discloses an invention wherein the server computer also controls a player tracking program offered by the establishment (col. 5 and 6).

Claim 39. Walker discloses an invention wherein the communications link also communicates player tracking information from the gaming devices (col. 5 and 6).

Claim 43. Walker discloses an invention wherein the player is enabled to retrieve selectable portions of the first amount at the later time (col. 3-6).

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Claim 44. Walker discloses an invention wherein the player is enabled to retrieve the first amount at one of the gaming devices (col. 3-6).

Claim 45. Walker discloses an invention wherein the player is enabled to retrieve the first amount at a location distinct from the gaming device (col. 3-6).

Claim 47. Walker discloses an invention wherein a portion of the first amount is able to be retrieved at a third gaming device (col. 3-6).

Claim 49. Walker discloses an invention wherein the monetary amount is able to be retrieved at the second gaming device by the same player (col. 3-6).

Claim 50. Walker discloses an invention wherein the casino account is accessed via a card accepted by one of the gaming devices, and wherein the card is additionally accepted at locations within a gaming establishment that are distinct from the gaming devices (background).

Claim 51. Walker discloses an invention wherein the card is additionally accepted at locations outside the gaming establishment (background, system of claim 50).

Claim 54. Walker discloses an invention wherein step (a) includes providing the menu when the player selects a cash out input device provided on the gaming device (col. 3-6, fig. 9).

Claim 55. Walker discloses an invention wherein step (a) includes displaying on the menu the sum of the first portion and the second portion of the certain credit total (col. 3-6, fig. 9).

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Claim 56. Walker discloses an invention wherein step (a) includes displaying on the menu an input that triggers payment of certain credit total in the first form (col. 3-6, fig. 9).

Claim 57. Walker discloses an invention wherein step (a) includes displaying on the menu an input that triggers a crediting of certain credit total to the casino account (col. 3-6, fig. 9).

Claim 58. Walker discloses an invention which includes enabling the player to transfer a third portion of the amount to a different gaming device (col. 3-6, fig. 9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8-10, 15, 28, 30, 31, 33, 35-37, 46, 48, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US 6,168,522) in view Weiss (US 6,511,377).

Walker discloses the invention as claimed but fails to explicitly teach several features. However in an analogous reference, Weiss teaches these features. It would have been obvious to one of ordinary skill in the art to modify Walker with the features in Weiss to expand the capabilities found in Walker. Ticketing, for example is well known as an alternative to cash and account credit. Multiple casinos and the utilizing thereof is also a well known practice at the time of the invention to draw familiar players from one city when visiting a different city. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Walker with the features in Weiss that would expand the capabilities and make the invention more marketable and profitable.

Claims 8, 28. Walker in view of Weiss discloses an invention wherein the casino account is communicated through a ticketing network (col. 20).

Claims 9, 30. Walker in view of Weiss discloses an invention wherein the casino account is accessible at multiple casinos (fig. 1).

Claims 10, 31. Walker in view of Weiss discloses an invention wherein the casino account is accessible for non-gaming purchases (col. 7).

Claims 15, 33. Walker in view of Weiss discloses an invention wherein increasing the first amount automatically decreases the second amount and increasing the second amount automatically decreases the first amount (col. 7).

Claim 35. Walker in view of Weiss discloses an invention wherein the server computer is located in the same establishment as the multiple gaming devices (fig. 1).

Claim 36. Walker in view of Weiss discloses an invention wherein the server computer is located in a different establishment than the multiple gaming devices (fig. 1).

Claim 37. Walker in view of Weiss discloses an invention wherein the communications link also communicates ticketing information to and from the gaming devices (col. 20).

Claim 46. Walker in view of Weiss discloses an invention wherein the gaming device is a first gaming device, and wherein the first amount is able to be retrieved at a second gaming device (fig. 8).

Claim 48. Walker in view of Weiss discloses an invention wherein the player is a first player and the first amount is able to be retrieved at the second gaming device by a second player (col. 9, line 20).

Claim 59. Walker in view of Weiss discloses a ticketing system accessible through the gaming devices (col. 20).

Response to Arguments

Applicant's arguments with respect to the response dated 3/9/09 have been considered and are persuasive.

Regarding section 706.07, the Examiner respectfully asserts that a clear issue was developed and was thought to never be unclear. However, for future reference, a simple clarifying correspondence (email or phone) would've cleared the issue.

Regarding the Walker reference and that it does not teach the subject matter as claimed, the Examiner respectfully asserts that the certain credit total has been interpreted as the winnings from a game. The first cashout option is analogous to dispensing some of the amount back to the gaming machine and the second cashout option is analogous to dispense some of the amount to an account (5:14).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW KIM whose telephone number is (571)272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/16/2009 /A. K./

Examiner, Art Unit 3714

/Dmitry Suhol/

Supervisory Patent Examiner, Art Unit 3714